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FEB 04 2004

WINSTON &amp; STRAWN DOCKET NO.: 85189-5100

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**DRIED CELLULAR HYDROCOLLOID CARRIERS COMPRISING Viable  
MICROORGANISMS AND USE THEREOF IN BIOLOGICAL CONTROL**

- is attached hereto.
- which is identified by docket No. 85189-5100
- which was filed on September 5, 2003 as Application No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/407,963	September 5, 2002

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

WINSTON &amp; STRAWN DOCKET NO.: 85189-5100

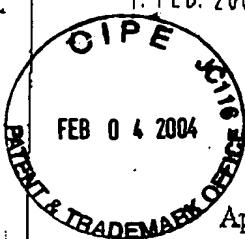
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SEND CORRESPONDENCE TO: WINSTON & STRAWN  
PTO Customer No. 28765

DIRECT TELEPHONE CALLS TO  
Allan A. Fanucci at 212-294-3311

2	FULL NAME OF INVENTOR	LAST NAME <b>NUSSINOVITCH</b>	FIRST NAME <b>Amos</b>	MIDDLE NAME
0	RESIDENCE & CITIZENSHIP	CITY <b>Rehovot</b>	STATE OR FOREIGN COUNTRY <b>Israel</b>	COUNTRY OF CITIZENSHIP <b>Israel</b>
1	POST OFFICE ADDRESS	STREET <b>3 Herman Maas Street</b>	CITY <b>Rehovot</b>	STATE OR COUNTRY <b>Israel</b> ZIP CODE <b>76566</b>
SIGNATURE OF INVENTOR 201  <i>A. Nussinovitch</i>			DATE  <b>15/12/03</b>	
2	FULL NAME OF INVENTOR	LAST NAME <b>CHET</b>	FIRST NAME <b>Ilan</b>	MIDDLE NAME
0	RESIDENCE & CITIZENSHIP	CITY <b>Nes Ziona</b>	STATE OR FOREIGN COUNTRY <b>Israel</b>	COUNTRY OF CITIZENSHIP <b>Israel</b>
2	POST OFFICE ADDRESS	STREET <b>7 Y. Boxer Street</b>	CITY <b>Nes Ziona</b>	STATE OR COUNTRY <b>Israel</b> ZIP CODE <b>74046</b>
SIGNATURE OF INVENTOR 202  <i>Ilan Chet</i>			DATE  <b>5/1/04</b>	
2	FULL NAME OF INVENTOR	LAST NAME <b>ZOHAR PERZ</b>	FIRST NAME <b>Cheinat</b>	MIDDLE NAME
0	RESIDENCE & CITIZENSHIP	CITY <b>Kiryat Ekron,</b>	STATE OR FOREIGN COUNTRY <b>Israel</b>	COUNTRY OF CITIZENSHIP <b>Israel</b>
3	POST OFFICE ADDRESS	STREET <b>1a/3 Hairo Street,</b>	CITY <b>Kiryat Ekron,</b>	STATE OR COUNTRY <b>Israel</b> ZIP CODE <b>70500</b>
SIGNATURE OF INVENTOR 203  <i>Z. Zohar-Perz</i>			DATE  <b>5/1/04</b>	

2615



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Amos NUSSINOVITCH et al.

Application No.:

Group Art Unit:

Filed: September 5, 2003

Examiner:

For: DRIED CELLULAR HYDROCOLLOID  
CARRIERS COMPRISING Viable  
MICROORGANISMS AND USE THEREOF IN  
BIOLOGICAL CONTROL

Attorney Docket No.: 85189-5100

**POWER OF ATTORNEY BY ASSIGNEE**  
**AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording and a copy is attached. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

**YISSUM RESEARCH DEVELOPMENT CO.  
 OF THE HEBREW UNIVERSITY OF JERUSALEM**

Signature:

Typed Name:

Renée Ben-Israel      Abraham Barak  
VP-Intellectual Property      President & C.E.O.

Position/Title:

Address:

Hi-Tech Park, Edmond J. Safra Campus, Givat Ram  
P.O. Box 39135, Jerusalem 91390, Israel

Date:

Nov 02, 2003

File No. 85189-5100

## ASSIGNMENT

WHEREAS, WE,

**Amos NUSSINOVITCH**, a citizen of Israel, residing at  
3 Herman Maas Street, Rehovot 76566, Israel;

**Ilan CHET**, a citizen of Israel, residing at,  
7 Y. Boxer Street, Nes Ziona 74046, Israel; and

**Cheinat ZOHAR PERZ**, a citizen of Israel, residing at,  
1a/3 Hairoz Street, Kiryat Ekron 70500, Israel.

ASSIGNORS, are the inventors of the invention **DRIED CELLULAR HYDROCOLLOID CARRIERS COMPRISING VIABLE MICROORGANISMS AND USE THEREOF IN BIOLOGICAL CONTROL**, for which we have executed an application for a Patent of the United States

- which is executed on even date herewith
- which is identified by Winston & Strawn Docket No. 85189-5100
- which was filed on September 5, 2003, as Application No. \_\_\_\_\_.

WHEREAS YISSUM RESEARCH DEVELOPMENT COMPANY OF THE HEBREW UNIVERSITY OF JERUSALEM, an Israeli corporate body having a place of business at Hi-Tech Park, Edmond J. Safra Campus, Givat-Ram, Jerusalem 91390, Israel, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each ASSIGNOR, has sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, his or her right, title and interest in, to and under the said invention, and the said United States provisional application and the said invention in all applications claiming priority thereto under 35 U.S.C. § 119(e) or converted therefrom, and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries other than the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic

laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that they have the full right to convey the entire interest herein assigned, and that they have not executed, and will not execute, any agreement in conflict herewith;

And each ASSIGNOR hereby further covenants and agrees that they will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to them respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications; make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed their signature.

Date 15/12/03, 2003

A. Nussinovitch  
Amos NUSSINOVITCH

On Dec. 17. 03, 2003, before me, MICHA PELEG,  
Witness, appeared Amos NUSSINOVITCH, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Witness

Date, 2003

Hans CHET

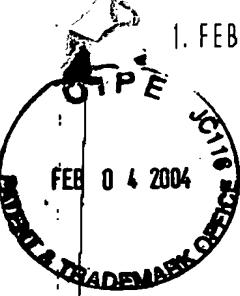
On 5/1/04, 2003, before me, Dawn Lani,  
Witness, appeared Ilan CHET, to me known and known to me to be the person of that name,  
who signed the foregoing instrument, and acknowledged the same to be his/her free act and  
deed.

D. Tracy  
Witness

Date 5/1/04 2004 C. Zohar-perez  
Cheinat ZOHAR PERZ

On 5.1.04, 2003, before me, Nicole Taft.  
Witness, appeared Cheinat ZOHAR PERZ, to me known and known to me to be the person  
of that name, who signed the foregoing instrument, and acknowledged the same to be his/her  
free act and deed.

Witnesses



2615

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Amos NUSSINOVITCH et al.

Confirmation No.

Application No.:

Group Art Unit:

Filing Date: September 5, 2003

Examiner:

For: DRIED CELLULAR HYDROCOLLOID CARRIERS  
COMPRISING VIABLE MICROORGANISMS AND USE  
THEREOF IN BIOLOGICAL CONTROL

Attorney Docket No.: 85189-5100

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.27(a)(2) - Small Business Concern]Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

I hereby declare that I am

the owner of the small business concern identified below;  
 an official of the small business concern empowered to act  
 in behalf of the concern identified below:

**YISSUM RESEARCH DEVELOPMENT COMPANY  
 OF THE HEBREW UNIVERSITY OF JERUSALEM  
 High Tech Park, Edmond J. Safra Campus,  
 Givat Ram, Jerusalem 91390  
 (P.O. Box 39135)  
 ISRAEL**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.27(a)(2), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention entitled: **DRIED CELLULAR HYDROCOLLOID CARRIERS COMPRISING VIABLE MICROORGANISMS AND USE THEREOF IN BIOLOGICAL CONTROL** by Amos NUSSINOVITCH, Ilan CHET and Cheinat ZOHAR PERZ described in Application No. \_\_\_\_\_ filed September 5, 2003.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.27(a)(1) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

**FULL NAME:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_

INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.27(g)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: Allan A. Fanucci  
WINSTON & STRAWN  
200 Park Avenue  
New York, NY 10166-4911  
Direct Telephone calls to:  
WINSTON & STRAWN  
212-294-3311

Name of Person Signing: Renée Ben-Israel VP-Intellectual Property Abraham Barak  
Title other than Owner: President & C.E.O.

Title other than Owner:  President & C.E.O.

Address of Site: 11000 10th Street, Suite 100, Lakewood, CO 80401

Address of Signer: YISSUM RESEARCH DEVELOPMENT CO.  
OF THE HEBREW UNIVERSITY OF JERUSALEM  
High Tech Park, Edmond J. Safra Campus,  
Givat Ram, Jerusalem 91390  
(P.O. Box 39135)  
ISRAEL

**NOTE:** Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities.

EXPRESS MAIL LIST

To:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The following items listed below are being filed herewith with the USPTO on February 4, 2004

Express Mail No. <b>EV 346 810 453 US</b>		
Attorney Docket No.	Appln. Serial No./ Patent No.	Items - Documents filed on <b>February 4, 2004</b>
85189-5100	10/657,673	Petition for Extension of Time Under 37 CFR § 1.136(a); Response to Notice to Filing Missing Parts of Nonprovisional Application; Copy of Notice; Executed Inventor's Declaration; Copy of Application; Executed Power of Attorney By Assignee w/Copy of Assignment; Verified Statement (Declaration) Claiming Small Entity Status

*Please acknowledge receipt of these items as received by returning the enclosed postcards with the date of receipt of February 4, 2004*

NY:840388.1